IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1968 OF 2006.

Silgate Technologies Pvt.Ltd. ... Applicant.
Versus.
Yokogawa Electric Corporation & anr. ... Respondents.

Shri K.G.Menon i/by M/s.Mulla & Mulla and C.B.C. for the Applicant.

Shri Subodh Desai for Respondent No.1.

Shri Y.M.Nakhawa, A.P.P. for the State.

CORAM : ABHAY S.OKA, J.

DATED : 1st December, 2006.

P.C.:

1. Heard the learned senior Counsel appearing for the Applicant and the learned Counsel for the 1st Respondent. Since the order impugned dated 18th May 2005 can be assailed by filing a Revision Application under section 397 of the Code of Criminal Procedure, 1973, the learned Senior Counsel appearing for the Applicant seeks permission to withdraw this Application with liberty to file a Revision Application before the appropriate Sessions Court. He prays that the interim relief which was granted by this Court may be continued for a reasonable time to enable the Applicant to apply for appropriate interim relief before the concerned Court. He submits that the delay in filing the Revision Application should not come in the way of the Applicant.

2. This Court cannot condone the delay in filing

the Revision Application which may be filed by the Applicant. However, the learned Counsel for the 1st Respondent fairly states that if an Application for condonation of delay is made, the 1st Respondent will not raise any objection for condonation of delay.

3. In any event, if the Application for condonation of delay is filed, the concerned Court is bound to take a note of the fact that the present Application was filed in this Court on 8th May 2006 and the same was entertained by this Court and the same remained pending in this Court till today.

4. The Application is dismissed as withdrawn with liberty as prayed. Interim relief granted by this Court on 18th May 2006 will continue to operate for a period of 8 weeks from today.

5. The learned Counsel for the Applicant states that advance notice of the Revision Application will be given to the 1st Respondent.

Judge.